



Docket No.: MA-584-US

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Enomoto, et al.

Serial No.: 10/642,203

Group Art Unit: 2619

Filed: August 18, 2003

Examiner: Lee, B..

For: NETWORK SYSTEM, SPANNING TREE CONFIGURATION METHOD AND  
CONFIGURATION, PROGRAM, AND SPANNING TREE CONFIGURATION  
NODE

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**  
**UNDER 37 CFR 41.37**

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated October 21, 2008, (copy attached), enclosed is an Appellants' Brief on Appeal missing page 41.

Respectfully submitted,



Frederick E. Cooperrider, Esq.  
Registration No. 36,769

Date: November 6, 2008

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Appellants' Brief on Appeal  
S/N: 10/642,203

**IX. EVIDENCE APPENDIX**

**(NONE)**

**X. RELATED PROCEEDINGS APPENDIX**

**(NONE)**



UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKETE

UNITED STATES DEPARTMENT OF COMMERCE  
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/642,203      | 08/18/2003  | Nobuyuki Enomoto     | MA-584-US           | 1083             |

21254 7590 10/21/2008

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DATE MAILED: 10/21/2008

EXAMINER

ART UNIT

PAPER NUMBER

McGINN IP LAW, PLLC

Please find below and/or attached an Office communication concerning this application or proceeding.

11/21/08  
4/21/09



**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.  
10/642,203  
Examiner  
Jeffrey Rutkowski

Applicant(s)  
ENOMOTO ET AL.  
Art Unit  
2419

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 30 September 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

1.) The brief does not contain headings for the evidence and related proceedings appendix. If there is no evidence or related proceedings appendix, then the indication "none" should be included after both headings.

The appellant may choose to only submit the defective section of the brief; an entire new brief is not required.

/Timothy Cole/  
T.Cole  
Patent Appeal Specialist